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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA DAMAN AND DIU

Special Department

Notification

SPL-PER-384

The following Notification from the Government of India, Ministry of Home Affairs is republished for information.

S. N. Dhumak, Under Secretary (Appointments).

Panaji, 21st November, 1969.

GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

New Delhi-1, the 22nd October, 1969
30 Asvina, 1891

Notifications

5/13/69-DH(S)

No. 15/13/69-DH(S)(i) — Shri B. J. K. Tampl, I. P. S. (Union territories), relinquished charge of the office of Superintendent of Police, Panaji, in the afternoon of 10th July, 1969, and his services are placed at the disposal of the Government of Himachal Pradesh.

No. 15/13/69-DH(S)(ii) — Shri Tilak Raj, I. P. S., (Union territories), is appointed as Superintendent of Police, Panaji, with effect from the afternoon of 10th July, 1969 until further orders.

Sd/-

H. S. DUBEY

Deputy Secretary to the Government of India.

Home Department 'C'

Order

HD/33/16119/69-C

In exercise of the powers conferred by Section 4 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964, Government is pleased to appoint Shri P. L. Sarda, Civil Administrator, Diu, as ex-officio Assistant Custodian of Evacuee Property for Diu area from the date of issue of this Order.

2. The delegation of functions to the above officer under Section 8(2)(m) of the aforesaid Act read with Rule 12 of the Goa, Daman and Diu Administration of Evacuee Property

GOVERNO DE GOA, DAMÃO E DIO

Departamento Especial

Despacho

SPL-PER-384

Para conhecimento geral a seguir se torna a publicar o seguinte despacho do Ministério do Interior do Governo da Índia.

S. N. Dhumak, Subsecretário (Nomeações).

Panaji, 21 de Novembro de 1969.

GOVERNO DA INDIA MINISTÉRIO DO INTERIOR

Nova Delhi-1, 22 de Outubro de 1969
30 Asvina, 1891

Despachos

5/13/69-DH(S)

N.º 15/13/69-DH(S)(i) — O Sr. B. J. K. Tampl, I. P. S. (territórios da União), deixou de exercer as funções de Superintendente da Polícia, de Panaji, em 10 de Julho de 1969, após o meio-dia, e os seus serviços são postos à disposição do Governo de Himachal Pradesh.

N.º 15/13/69-DH(S)(ii) — O Sr. Tilak Raj, I. P. S., (territórios da União), é nomeado Superintendente da Polícia, de Panaji, com efeito a partir de 10 de Julho de 1969, após o meio-dia, até ordens ulteriores.

Sd/-

H. S. DUBEY

Secretário adjunto do Governo da Índia.

Departamento do Interior 'C'

Portaria

HD/33/16119/69-C

No uso das faculdades conferidas pelo artigo 4.º de «Goa, Daman and Diu Administration of Evacuee Property Act, 1964», o Governo nomeia o Sr. P. L. Sarda, Administrador Civil de Dio, ex-officio Gestor Assistente da Propriedade dos Evacuados para a área de Dio, a partir da data da expedição da presente portaria.

2. Os poderes conferidos ao oficial acima mencionado ao abrigo do artigo 8(2)(m) do citado Act, conjugado com a norma 12.ª de «Goa, Daman and Diu Administration of Evacuee Property Rules, 1965», serão tornados públicos sepa-

Rules, 1965 will be notified separately by the Custodian of Evacuee Property, Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sar Dessai, Under Secretary to the Government Home Department.

Panaji, 21st November, 1969.

Finance (Control) Department

Order

Fin(Control)/18-2/Vol.II/69/2476

Subject:—Appointments to the post of Assistant Accounts Officer on regular basis.

Shri S. P. Karmali, Accountant, at present working as Assistant Accounts Officer on an ad-hoc basis in the Directorate of Accounts is appointed with effect from 20-11-1969 as Assistant Accounts Officer on a regular basis and is continued in the same Directorate.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 24th November, 1969.

Revenue Department

Notification

RD/LND/142/69

Whereas by Government Notification No. RD/LND/142/69 dated 16-8-69 published on page 252 of Series II, No. 21 of the Government Gazette, dated 21-8-69 it was notified under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the «said land») was likely to be needed for a public purpose viz. construction of light house.

And whereas the appropriate Government (hereinafter referred to as the «Government») is satisfied after considering the report made under sub-section (2) of section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of section 6 of the said Act that the said land is required for public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of section 3 of the said Act, the Land Acquisition Officer, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Land Acquisition Officer, Panaji till the award is made under Section 11.

SCHEDULE—QUADRO

Description of the said land — Descrição do aludido terreno

Taluka	Village	Plot No.	Survey No.	Name of the person believed to be interested	Approximate area in sq. mts.
Concelho	Aldeia	Terreno n.º	Cadastro N.º	Nome da pessoa que se presume ser interessada	Área aproximada em m²
Bardez	Candolim	1	1599 (Part)	Comunidade of Candolim	12007
Total					12007

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 19th November, 1969.

radamente pelo Gestor da Propriedade dos Evacuados de Goa, Damão e Diu.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

G. M. Sar Dessai, Subsecretário do Governo, Departamento do Interior.

Panagi, 21 de Novembro de 1969.

Departamento das Finanças (Contrôle)

Portaria

Fin(Control)/18-2/Vol.II/69/2476

Assunto: Nomeações de carácter regular para os lugares de «Assistant Accounts Officer».

O Sr. S. P. Karmali, contabilista, ao presente exercendo provisoriamente as funções de «Assistant Accounts Officer» da Direcção dos Serviços de Contabilidade, é nomeado, com efeito a partir de 20 de Novembro de 1969, «Assistant Accounts Officer» sob carácter regular e continuará na mesma Direcção.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

Puran Singh, Secretário das Finanças.

Panagi, 24 de Novembro de 1969.

Departamento de Rendimentos

Despacho

RD/LND/142/69

Atendendo à que por despacho n.º RD/LND/142/69, de 16 de Agosto de 1969, publicado à pgs. 252 do *Boletim Oficial* n.º 21, 2.ª série, de 21 de Agosto de 1969, fora tornado público, ao abrigo do artigo 4.º do «Land Acquisition Act, 1894» (referido daqui em diante como «citado Act») que o terreno descrito no quadro anexo ao mesmo despacho (referido daqui em diante como «aludido terreno») era necessário para os fins da construção de um farol.

Tendo em consideração que o Governo interessado (referido daqui em diante como «Governo»), após apreciar o relatório submetido ao abrigo da alínea (2) do artigo 5A do citado Act, acha que o terreno descrito no quadro anexo é necessário para os fins públicos acima referidos.

O Governo declara, ao abrigo do disposto no artigo 6.º do citado Act, que o aludido terreno é necessário para os fins públicos acima referidos.

2. O Governo nomeia, ao abrigo da alínea (c) do artigo 3.º do citado Act, o «Land Acquisition Officer», Panaji, para exercer as funções de Collector, em todos os actos relacionados com o aludido terreno e determina ao abrigo do artigo 7.º do citado Act, que o mesmo tome as necessárias medidas para a aquisição do aludido terreno.

3. O plano do aludido terreno poderá ser consultado na Repartição do referido «Land Acquisition Officer», em Panaji, até que seja tomada a decisão ao abrigo do artigo 11.º

Por ordem e em nome do Governador-tenente de Goa, Damão e Diu.

W. G. Ranadive, Secretário (Rendimentos).

Panagi, 19 de Novembro de 1969.

Directorate of Civil Administration

Order

The following persons are appointed to constitute the Committee to frame the draft of bye-laws of the Devasthan of «Shri Santeri» of Mercês. The Committee is required to submit the report within six months to the Government following the procedure as required under Sections 8 and 9 of Legislative Diploma no. 1898, dated 29-5-59, and also is entrusted with the management of the temple pending approval of the bye-laws:

President: Dinanath Sazu Golatkar.
 President substitute: Naraina Krishna Uskaikar.
 Treasurer: Naraina Gopala Uskaikar.
 Treasurer substitute: Premnath Siurama Uskaikar.
 Attorney: Ramanata Shamba Chari.
 Attorney substitute: Xenkar Suka Govekar.
 Secretary: Darma Datta Lolo Govekar.
 Secretary substitute: Satyana Krishna Uskaikar.

D. N. Barua, Collector and D. C. A.

Panaji, 28th November, 1969.

Law and Judicial Department

Notification

LD/4/143/69/N/66

The following notification no. 18/3/69-Judl. III dated 20th November, 1969 issued by the Ministry of Home Affairs, Government of India under section 4 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 is hereby re-published for general information of the public.

M. S. Borkar, Under Secretary.

Panaji, 24th November, 1969.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi, the 20th November, 1969

Notification

18/3/69-Judl. III

In exercise of the powers conferred by sub-section (1) of Section 4 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 (Regulation 10 of 1963), the President has been pleased to appoint Shri C. Murahari Rao as Additional Judicial Commissioner for the Union Territory of Goa, Daman and Diu with effect from the forenoon of November 7, 1969, until further orders.

Sd/-

K. THYAGRAJAN

Deputy Secretary to the Govt. of India.

Notification

LD/4/8/N-67/69

In exercise of the powers conferred by Section 12 of the Code of Criminal Procedure 1898, the Lieutenant Governor of Goa, Daman and Diu hereby appoints S/Shri Pukh Raj Bumb and N. Rajasekhar, Additional Deputy Collectors on probation in the District of Goa as Executive Magistrates of the First Class with effect from 1st December, 1969.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Borkar, Under Secretary.

Panaji, 26th November, 1969.

Direcção dos Serviços de Administração Civil

Portaria

Os seguintes indivíduos são nomeados para constituir a comissão, a fim de elaborar o projecto dos compromissos da Devalaia «Shri Santeri» das Mercês. A comissão terá de submeter o seu relatório ao Governo, dentro de seis meses, nos termos dos artigos 8.º e 9.º do Diploma Legislativo n.º 1898, de 29 de Maio de 1959, ficando também encarregada da administração da Devalaia, até à aprovação dos compromissos:

Presidente: Dinanath Sazu Golatkar.
 Presidente substituto: Naraina Krishna Uskaikar.
 Tesoureiro: Naraina Gopala Uskaikar.
 Tesoureiro substituto: Premnath Siurama Uskaikar.
 Procurador: Ramanata Shamba Chari.
 Procurador substituto: Xenkar Suka Govekar.
 Secretário: Darma Datta Lolo Govekar.
 Secretário substituto: Satyana Krishna Uskaikar.

D. N. Barua, Collector e D. A. C.

Panagi, 28 de Novembro de 1969.

Departamento de Justiça

Despacho

LD/4/143/69/N/66

Para o conhecimento geral a seguir se torna a publicar o seguinte despacho n.º 18/3/69-Judl. III, de 20 de Novembro de 1969, expedido pelo Ministério do Interior do Governo da Índia, ao abrigo do artigo 4.º de «Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963».

M. S. Borkar, Subsecretário.

Panagi, 24 de Novembro de 1969.

GOVERNO DA INDIA

MINISTÉRIO DO INTERIOR

Nova Delhi, 20 de Novembro de 1969

Despacho

18/3/69-Judl. III

No uso das faculdades conferidas pela alínea (i) do artigo 4.º de «Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 (Regulation 10 of 1963)», o Presidente nomeia o Sr. C. Murahari Rao, «Additional Judicial Commissioner» para o território da União de Goa, Damão e Diu, a partir de 7 de Novembro de 1969, (antes do meio-dia), até ordens ulteriores.

Sd/-

K. THYAGRAJAN

Secretário adjunto do Governo da Índia.

Despacho

LD/4/8/N-67/69

No uso das faculdades conferidas pelo artigo 12.º do «Code of Criminal Procedure 1898», o Governador-tenente de Goa, Damão e Diu, nomeia os Srs. Pukh Raj Bumb e N. Rajasekhar, «Additional Deputy Collectors» «Executive Magistrates» de 1.ª classe do distrito de Goa, por período probatório, com efeito a partir de 1 de Dezembro de 1969.

Por ordem e em nome do Governador-tenente de Goa, Damão e Diu.

M. S. Borkar, Subsecretário.

Panagi, 26 de Novembro de 1969.

Notification

LD/4/8/N-68/69

In exercise of the powers conferred by Section 12 of the Code of Criminal Procedure 1898, the Lieutenant Governor of Goa, Daman and Diu hereby appoints S/Shri A. Venkataratnam and R. I. Jai Prakash, Joint Mamlatdars in the Tiswadi Taluka at Panaji as Executive Magistrates of the Third Class with immediate effect for a period of four months.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

M. S. Borkar, Under Secretary.

Panaji, 26th November, 1969.

Notification

LD/8/138/N-69/69

In exercise of the powers conferred by Section 12 of the Code of Criminal Procedure, 1898, the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri M. S. Dayal, Collector Daman as a Judicial Magistrate First Class Daman during the absence of the Civil Judge and Judicial Magistrate Daman with effect from 4-12-1969 to 18-12-1969.

And invest the said Shri Dayal during the said period of contingency with all powers of a Magistrate of the First Class under Schedule IV of the said Code;

And further in exercise of the powers conferred by section 357 of the said Code the said Shri Dayal is authorised during the said period to take down evidence in the English language.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Borkar, Under Secretary.

Panaji, 27th November, 1969.

Agriculture Department

Notification

5-35/GOI-AGR/69

The following letter of the Government of India, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture) is hereby published for general information.

S. N. Dhumak, Under Secretary (Development).

Panaji, 10th November, 1969.

GOVERNMENT OF INDIA

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT & COOPERATION

(Department of Agriculture)

New Delhi, dated the 31 October, 1969

7(57)/69-Seeds Dev.

The Central Seed Committee is pleased to constitute a State Sub-committee for Goa, Daman and Diu, under Section 3 (5) of the Seeds Act, 1966, consisting of the following members:—

- | | |
|--|----------|
| 1. The Development Commissioner, Government of Goa, Daman and Diu, Panaji. | Chairman |
| 2. The Director of Agriculture, Panaji. | Member |
| 3. Shri G. D. Vaidya, Keri, Ponda. | — Do — |
| 4. Shri Purushottam Gude, Panchawadi, Ponda. | — Do — |

Despacho

LD/4/8/N-68/69

No uso das faculdades conferidas pelo artigo 12.º do «Code of Criminal Procedure 1898», o Governador-tenente de Goa, Damão e Dio, nomeia os Srs. A. Venkataratnam e R. I. Jai Prakash, «Joint Mamlatdars» do concelho de Tiswadi, em Panagi, «Executive Magistrates» de 3.ª classe, com efeito imediato, por período de quatro meses.

Por ordem e em nome do Governador-tenente de Goa, Damão e Dio.

M. S. Borkar, Subsecretário.

Panagi, 26 de Novembro de 1969.

Despacho

LD/8/138/N-69/69

No uso das faculdades conferidas pelo artigo 12.º do «Code of Criminal Procedure, 1898», o Governador-tenente de Goa, Damão e Dio, nomeia o Sr. M. S. Dayal, Collector de Damão, Magistrado Judicial de 1.ª classe, de Damão, durante o impedimento do Juiz Civil e Magistrado Judicial de Damão, com efeito a partir de 4 de Dezembro de 1969 até 18 de Dezembro de 1969.

E delega o mesmo Sr. Dayal, durante o dito período, com todos os poderes de Magistrado de 1.ª classe, ao abrigo de «Schedule» IV, do dito código.

E mais no uso das faculdades conferidas pelo artigo 357.º do citado código, o Sr. Dayal, é autorizado durante o mesmo período, a constatar os depoimentos na língua inglesa.

Por ordem e em nome do Governador-tenente de Goa, Damão e Dio.

M. S. Borkar, Subsecretário.

Panagi, 27 de Novembro de 1969.

Departamento de Agricultura

Despacho

5-35/GOI-AGR/69

Para conhecimento geral a seguir se publica a nota do Ministério de Alimentação, Agricultura, Desenvolvimento Comunal e Cooperação (Departamento de Agricultura) do Governo da Índia.

S. N. Dhumak, Subsecretário (Fomento).

Panagi, 10 de Novembro de 1969.

GOVERNO DA INDIA

MINISTÉRIO DE ALIMENTAÇÃO, AGRICULTURA, DESENVOLVIMENTO COMUNAL E COOPERAÇÃO

(Departamento de Agricultura)

Nova Delhi, 31 de Outubro de 1969

7(57)/69-Seeds Dev.

A Comissão Central de Sementes constitui uma sub-comissão estadual para Goa, Damão e Dio, ao abrigo do artigo 3 (5) do «Seeds Act, 1966» composta dos seguintes:

- | | |
|---|------------|
| 1. Comissário de Fomento do Governo de Goa, Damão e Dio, em Panagi. | Presidente |
| 2. Director de Agricultura, em Panagi. | Vogal |
| 3. Sr. G. D. Vaidya, Querim, Ponda. | Idem |
| 4. Sr. Purushottam Gude, Panchawadi, Ponda. | Idem |

- | | |
|---|-------------|
| 5. Regional Manager, National Seeds Corporation Ltd., Dharwar. | Member |
| 6. Shri Jaisinghrao Rane, Chairman, Sanjiwani Bagayatdar Cooperative Society, Ltd., Panaji. | — Do — |
| 7. The Assistant Chemist, Directorate of Agriculture, Panaji. | — Do — |
| 8. Secretary, Central Seed Committee. | } Convenors |
| 9. The Officer-in-charge Agri-Horticultural Research Station, Ela. | |

Terms of Reference.

1. To advise the State Government on all matters relating to the implementation of the Seeds Act.
2. To review the implementation of the Seeds Act in the State and send periodic reports to the State Government/Central Seed Committee.
3. To review the working of the Seed Certification Agency at the State level and send periodic reports on its working to the State Government/Central Seed Committee.
4. To inspect the State seed testing laboratory and report on its suitability for being declared as the State seed testing laboratory under the Seeds Act to the State Government.
5. To advise educational and promotional measures for proper enforcement and understanding of the Seeds Act.
6. Such other functions as may be assigned to it by the Central Seed Committee/State Government in connection with the implementation of the Seeds Act.

The headquarter of the Sub-committee shall be at Panaji.

Sd/-

SARAN SINGH

Joint Secretary to the Government of India.

- | | |
|--|-------------|
| 5. Gerente Regional da Corporação Nacional de Sementes, Ltd. ^a em Dharwar. | Vogal |
| 6. Sr. Jaisinghrao Rane, presidente da «Sanjiwani Bagayatdar Cooperative Society Ltd.», em Panaji. | Idem |
| 7. Químico assistente da Direcção de Agricultura, em Panaji. | Idem |
| 8. Secretário da Comissão Central de Sementes. | } Convenors |
| 9. The Officer-in-charge Agri-Horticultural Station, Ela. | |

As seguintes serão as funções da Comissão.

1. Aconselhar o Governo sobre todos os assuntos relativos ao cumprimento do «Seeds Act».
2. Verificar o cumprimento do «Seeds Act» neste território e submeter relatórios periódicos ao Governo Estadual e Comissão Central de Sementes.
3. Verificar o funcionamento da «Seed Certification Agency», ao nível estadual e submeter relatórios periódicos sobre o seu funcionamento ao Governo Estadual e Comissão Central de Sementes.
4. Fiscalizar o laboratório de experimentação de sementes estadual e informar o Governo Estadual, se o mesmo está em condições de ser declarado como laboratório de experimentação de sementes, ao abrigo do «Seeds Act».
5. Sugerir medidas instrutivas para fomentar o devido cumprimento e compreensão do «Seeds Act».
6. Exercer outras funções que lhes forem atribuídas pela Comissão Central de Sementes e Governo Estadual, em relação ao cumprimento do «Seeds Act».

A sede da mesma sub-comissão será em Panaji.

Sd/-

SARAN SINGH

Secretário adjunto do Governo da Índia.

Food and Civil Supplies Department

Addendum

FCS/PWD/1346/VPP/68

Read: — Government Order No. FCS/PWD/1346/VPP/68 dated 12-7-1969.

At the end of para one of Government order, referred to above, the following words shall be added:—

«The appointment is on probation. The period of probation will be two years».

By order and in the name of the Administrator of Goa, Daman and Diu.

V. H. Sakhalakar, Under Secretary (Planning).

Panaji, 20th November, 1969.

Development Department 'A'

Notification

CDB/VPT/96/69

Whereas by Government Notification No. CDB/VPT/95/69, dated 7-3-69 published on page 432 of Series II, No. 51 of the Government Gazette, dated 20-3-69 it was notified under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as «the said Act») that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the «said land») was likely to be needed for a public purpose viz. for construction of a garden.

Departamento de Alimentação e Abastecimento Civil

Aditamento

FCS/PWD/1346/VPP/68

Ref: Portaria n.º FCS/PWD/1346/VPP/68, de 12 de Julho de 1969.

No fim do § 1.º da portaria acima citada, deverão ser acrescentadas as seguintes palavras:—

«A nomeação é probatória. O período probatório será de dois anos».

Por ordem e em nome do Administrador de Goa, Damão e Diu.

V. H. Sakhalakar, Subsecretário (Planificação).

Panaji, 20 de Novembro de 1969.

Departamento de Fomento 'A'

Despacho

CDB/VPT/96/69

Atendendo a que por despacho n.º CDB/VPT/95/69, de 7 de Março de 1969, publicado à pag. 432 do *Boletim Oficial* n.º 51, 2.ª série, de 20 de Março de 1969, fora tornado público, ao abrigo do disposto no artigo 4.º do «Land Acquisition Act, 1894», (referido daqui em diante como citado Act») que o terreno descrito no quadro anexo ao mesmo despacho (referido daqui em diante como «aludido terreno») era de utilidade pública para os fins da construção de um jardim.

And whereas the appropriate Government (hereinafter referred to as «the Government» is satisfied after considering the report made under sub-section (2) of section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of section 3 of the said Act, the Land Acquisition Officer, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer Panaji till the award is made under Section 11.

Tendo em consideração que o Governo interessado (referido daqui em diante como «Governo»), após apreciar o relatório submetido ao abrigo da alínea (2) do artigo 5A do citado Act, acha que o terreno descrito no quadro anexo é necessário para os fins públicos acima referidos.

O Governo declara, ao abrigo do disposto no artigo 6.º do citado Act, que o aludido terreno é necessário para os fins públicos acima referidos.

2. O Governo também nomeia ao abrigo da alínea (c) do artigo 3.º do citado Act, o «Land Acquisition Officer» Panaji, para exercer as funções de Collector, em todos os actos relacionados com o aludido terreno e determina ao abrigo do artigo 7.º do citado Act, que o mesmo tome as necessárias medidas para a aquisição do mesmo terreno.

3. O plano do aludido terreno poderá ser consultado na Repartição do referido «Land Acquisition Officer», Panaji, até que seja tomada a decisão ao abrigo da artigo 11.º.

SCHEDULE — QUADRO

Description of the said land — Descrição do aludido terreno

Taluka	Village	Plot No.	Sur. No.	Name of the person believed to be interested	Approximate area in sq. mts.
Concelho	Aldeia	Terreno n.º	Cadastro n.º	Nome da pessoa que se presume ser interessada	Área aproximada em m²
Quepem	Curchorem	1	510(part)	Gurudas Timblo, Margao Purshottam R. S. Kudchodkar, Curchorem	1656.00
		2	511(part)	Balkrisna G. S. Kantak, Curchorem	1816.00
	Total				

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

T. Kipgen, Development Commissioner.

Panaji, 22nd November, 1969.

Por ordem e em nome do Governador-tenente de Goa, Damão e Diu.

T. Kipgen, Comissário do Fomento.

Panagi, 22 de Novembro de 1969.

Industries and Power Department

Order

DIM/23/69

Whereas Shri Gangadhar Narsingdas Agrawal from Margao, has communicated his intention to relinquish his concession held rights of the mine named «Soptomolem», situated at Usgao of Bicholim Taluka, under title of concession no. 3/53, dated 16-1-1953.

And whereas the said Shri Gangadhar Narsingdas Agrawal has fulfilled all the formalities required by article 116 of Decree dated 20-9-1906.

Now, therefore, in exercise of the powers conferred by clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and all other powers enabling him in that behalf the Administrator of the Union Territory of Goa, Daman and Diu hereby permits the said Shri Gangadhar Narsingdas Agrawal to relinquish the said rights towards the above mining concession and further declare that all his rights, title and interest in the said mining area stand reverted to the Government free from all encumbrances created by the party.

And further directs that the said mining concession is declared as «Free Area» for its regrant in terms of Mines and Minerals (Regulation and Development) Act 1957 and Mineral Concession Rules 1960 after 30 days of the publication of the present notification in the Government Gazette.

And also further clarifies that Shri Gangadhar Narsingdas Agrawal is liable to pay all the dues like fixed tax (Imposto Fixo), Industrial Tax, etc. connected with the above mine effective till the date of the present Order.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary Industries and Labour Department.

Panaji, 18th November, 1969.

Departamento de Indústrias e Energia

Portaria

DIM/23/69

Atendendo a que o Sr. Gangadhar Narsingdas Agrawal, de Margão, comunicou a sua intenção de querer desistir dos seus direitos de concessão à mina «Soptomolem», sita em Usgão do concelho de Bicholim, sob o título de concessão n.º 3/53, de 16 de Janeiro de 1953.

Considerando que o Sr. Gangadhar Narsingdas Agrawal, cumpriu todas as formalidades exigidas pelo artigo 116.º do Decreto datado de 20 de Setembro de 1906.

No uso das faculdades conferidas pela alínea (2) do «Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962» e das demais faculdades que lhe são conferidas para o mesmo fim, o Administrador de Goa, Damão e Diu, autoriza o referido Sr. Gangadhar Narsingdas Agrawal, a desistir dos seus direitos, títulos e interesses na referida área mineira, livre de quaisquer encargos criados pela parte.

Mais determina que a referida concessão mineira seja declarada como «área livre» para os fins da sua reconcessão, nos termos do «Mines and Minerals (Regulation and Development) Act, 1957» e «Mineral Concession Rules, 1960», 30 dias após a publicação desta portaria no Boletim Oficial.

O Sr. Gangadhar Narsingdas Agrawal, ficará sujeito ao pagamento de todos os impostos em dívida, tais como imposto fixo, contribuição industrial, etc., em relação à mina acima mencionada, até à data desta portaria.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

V. R. Vaze, Subsecretário do Departamento de Indústrias e Trabalho.

Panagi, 18 de Novembro de 1969.

Notification

19-18-69-IPD

Read: Government Notification No. 11/30/68-IND/273 dated 17-2-1969.

In partial modification of Notification No. 11/30/68-IND/273 dated 17th February, 1969 and in exercise of the powers conferred by the proviso to sub-section (2) of section 8 of the Rice Milling Industry (Regulation) Act, 1958 the Administrator of Goa, Daman and Diu hereby directs that the owners of the existing Rice Mills in the Union Territory of Goa, Daman and Diu shall apply to the concerned licensing officer appointed for their area under Government's Notification No. 11/30/67-IND/1792 dated 12-7-68 on or before 31-12-1969 for obtaining a licence under the provisions of section 6 of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary Industries and Labour.

Panaji, 10th November, 1969.

Despacho

19-18-69-IPD

Ref: Despacho n.º 11/30/68-IND/273, de 17 de Fevereiro de 1969.

Alterando, em parte, o despacho n.º 11/30/68-IND/273, de 17 de Fevereiro de 1969, e no uso das faculdades conferidas pela alínea (2) do artigo 8.º de «Rice Milling Industry (Regulation) Act, 1958», o Administrador de Goa, Damão e Diu determina que os proprietários das fábricas de moagem de arroz, existentes no território da União de Goa, Damão e Diu, deverão requerer ao funcionário licenciador competente, nomeado para a respectiva área, por despacho n.º 11/30/67-IND/1792, de 12 de Julho de 1968, para obter licença ao abrigo do disposto no artigo 6.º do citado Act, até 31 de Dezembro de 1969.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

V. R. Vaze, Subsecretário de Indústrias e Trabalho.

Panaji, 10 de Novembro de 1969.

Labour and Information Department

Order

LC/1/140/(IT-3)/67/69

The following Order given by the Industrial Tribunal, on an Industrial Dispute between the Barge Owners of Goa and the barge crew employed by them, is hereby published as required vide provisions of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947):—

Before Shri V. A. Naik, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) No. 6 of 1967

Between

Messrs. Salgaoncar and Brothers Pvt. Ltd.,
and 19 others

And

The workmen employed under them.

In the matter of interim relief and dearness allowance recommended by the Central Wage Board for Port and Dock workers as accepted by the Government of India or what other relief they are entitled.

Appearances:

Shri N. V. Phadke, Advocate, instructed by Shri P. K. Rele, of M/s Crawford Bayley and Co., Solicitors for the employers.

Shri P. H. Purav, for Shaparia Dock and Steel Co. Pvt. Ltd.

Shri H. K. Sowani with Shri Mohan Nair for the Goa Dock Labour Union.

Shri B. F. D'Souza for the Goa Bargemens Union.

No appearance for the Marmagao Port Dock and Transport Union.

ORDER

This reference has been made in the name of the Administrator of Goa, Daman and Diu under the signature of the Secretary, Industries and Labour Department for the adjudication of the following dispute:

1. Whether the barge crew employed by the barge owners mentioned in Schedule II annexed hereunder are entitled to the benefits of interim relief and D. A. recommended by the Central Wage Board for Port and Dock Workers as accepted by the Government of India in their Notification Nos. WB-21(13)/65 dated 27th April 1965 and WB-21(14)/66 dated 19-10-1966.
2. If not to what relief the barge crew are entitled having due regard to the terms of the settlement entered into by the barge owners with their workers during the years from 1963 to 1966 regarding wages, allowances, and other service conditions.

3. To what other relief, if any, the barge crew are entitled.

The dispute arose over the demands made by the bargemen working on the barges of the 20 employer ship-owners. The order of reference has been passed on 3rd November 1967. The order of reference runs thus:

«Whereas the Government of Goa, Daman and Diu, is of the opinion that an industrial dispute exists or is apprehended between the barge owners mentioned in Schedule II and their workmen in respect of the matters specified in Schedule I hereto annexed; and, whereas the Government of Goa, Daman and Diu is of the opinion that the dispute should be referred to for adjudication to the Industrial Tribunal;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Government of Goa, Daman and Diu is pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted under Government Notification No. LC/1/IT/(IT)/63-67/2673 dated the 3rd November, 1967».

Schedule I contains the demands which has been reproduced above and Schedule II contains the names of the barge owners.

2. A statement of claim has been filed by the General Secretary, Goa Dock Labour Union on behalf of the bargemen who will hereinafter be referred to as the workmen. The statement has made out three preliminary points but has not said anything on the merits of the demands. It is not necessary to set out the substance of the statement of claim because it is argumentative and all the arguments set out therein will be considered by me in due course. The barge owners have put in their written statements. They have also confined themselves to refuting the preliminary points raised on behalf of the Union. It is equally unnecessary to set out the substance of the written statements as the points contained therein will be considered by me in the course of this order. Since I am considering only the preliminary objections I do not propose to set out the history of the dispute or the facts giving rise to these disputes.

3. The first point made out on behalf of the Union is that there is no valid order of reference and so this Tribunal has no jurisdiction to proceed to adjudicate the dispute. It is necessary to set out a few facts and a few provisions of the Industrial Disputes Act, for appreciating the merits of this contention. By Notification No. GAD/74/62/20945 dated 17th December 1962 the provisions of the Industrial Disputes Act were made applicable throughout the Union Territory of Goa, Daman and Diu. By Notification No. LC/1/63 dated 30th October 1963 an Industrial Tribunal was constituted at Panjim under Section 7A for the adjudication of Industrial disputes relating to any matter whether specified in the Second Schedule or the Third Schedule of the said Act. The said Notification further appointed Shri Sayed Taki Bilgrami, Member, Industrial Tribunal, Bombay, as the Presiding Officer thereof. By Notification No. LC/1/IT/(17)63-67/2673 dated 3rd November 1967 Shri K. R. Powar, Member, Industrial Court and Industrial Tribunal, Bombay, was appointed

under Section 7A of the Industrial Disputes Act as the Presiding Officer of the Industrial Tribunal at Panjim in the vacancy caused by the resignation of Shri Sayed Taki Bilgrami. On the same day that is 3-11-1967 another Notification was issued No. LC/1/140(IT-3)/67 by which the dispute in question was referred for adjudication to the Industrial Tribunal constituted under Government Notification No. LC/1/IT/(17)63-67/2673 dated 3-11-1967. On the 27th March 1969 a Notification was issued No. LC/1/IT(3)/69/327 by which the resignation tendered by Shri K. R. Powar, the Presiding Officer of the Industrial Tribunal, Goa, Daman and Diu was accepted with immediate effect. The said notification further states:

«And further in exercise of the powers conferred by section 7A read with Section 8 of the Industrial Disputes Act, 1947, as extended to the Union territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu is hereby pleased to appoint Shri Virupax Abaji Naik, President, Industrial Court and Industrial Tribunal, Maharashtra, Bombay, as Presiding Officer of the Industrial Tribunal, Goa, Daman and Diu at Panaji constituted under the Government Notification No. LC/1/63 dated 30th October 1963, in the vacancy caused by the resignation of Shri K. R. Powar, with immediate effect».

It will now be convenient to refer to the relevant provisions of the Industrial Disputes Act, Section 7A relates to the constitution of Tribunals and the qualifications of the persons for appointment to the Tribunal. Sub-section (1) provides that the appropriate Government may, by notification in the Official Gazette, constitute one or more Industrial Tribunals for the adjudication of industrial disputes relating to any matter sub-section (2) says that a Tribunal shall consist of one person only to be appointed by the appropriate Government. Sub-section (3) lays down the qualifications for appointment as the Presiding Officer of a Tribunal. Section 8 relates to the filling of vacancies and in substance provides: «If a vacancy ... occurs in the office of the presiding officer of a Labour Court, Tribunal or National Tribunal ... then ... the appropriate Government, shall appoint another person in accordance with the provisions of this Act to fill the vacancy, and the proceeding may be continued before the Tribunal ... from the state at which the vacancy is filled». The definition of appropriate Government is contained in Section 2(a)(i) and (ii). Under Sub-section (2)(a)(i) appropriate Government means in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government or ... a major port, the Central Government and (q) (ii) in relation to any other industrial dispute, the State Government.

5. Shri Sowani for the workmen contended that Section 7A of the Industrial Disputes Act envisages the constitution of one or more Tribunals and that each Tribunal shall consist of only one person. He argued that that shows that the Industrial Tribunal is an institution or an office having perpetual existence. It is to this office that a person with the requisite qualifications would be appointed as the presiding officer. He contended that section 8 supports the interpretation that he seeks to put on the meaning and scope of Section 7A. Section 8 opens with the words: «If, for any reason, a vacancy ... occurs in the office of the presiding officer of a Tribunal». That means that when a person has retired or resigns from the office of Presiding Officer of the Tribunal, a new person shall be appointed by filling the vacancy. When this is done all that has happened is that a new person has come as the Presiding Officer in the place of the old. There is no fresh constitution of a Tribunal. The interpretation sought to be put on the meaning and scope of Section 7A and Section 8 by Shri Sowani is correct. The combined effect of Section 7A and Section 8 is that it is open to the appropriate Government to constitute one or more industrial Tribunals for the adjudication of industrial disputes but each Tribunal shall consist of one person only and that person will be the presiding officer of the Tribunal. Once the Tribunal is constituted it may go on till it is abolished. In case of necessity it is open to the Government to constitute more Tribunals and an equal number of presiding officers to carry on the work of adjudication. When a vacancy has occurred in the office of the Presiding Officer that vacancy will be filled by appointing another person in that vacancy.

6. A Tribunal was constituted under Section 7A by an order of the Lieutenant Governor of Goa, Daman and Diu on 30-10-1963 at Panjim for the adjudication of Industrial Disputes arising in the territory of Goa, Daman and Diu. This Tribunal continues in existence till today. The first presiding officer of that Tribunal was Shri Sayed Taki Bilgrami. He was appointed the presiding officer by the same notification which constituted the Tribunal. On Shri Sayed

Taki Bilgrami's retirement by an order of the Lieutenant Governor of Goa, Daman and Diu a notification was issued on 3-11-1967 appointing Shri K. R. Powar as the presiding Officer of the Industrial Tribunal, Panjim, in the vacancy caused by the resignation of Shri Sayed Taki Bilgrami. Shri Sowani contended that there is no reference to Section 8 in this notification. Not only this, but there is a specific reference to Section 7A which relates to the constitution of the Tribunal. In view of the above Shri Sowani contends that the effect of the notification of 3-11-1967 was to constitute a fresh tribunal for the territory of Goa, Daman and Diu at Panjim and appoint Shri K. R. Powar as the Presiding Officer of the said Tribunal. According to him there was no need to refer to Section 7A for the purpose of filling the vacancy caused by the resignation of Shri Sayed Taki Bilgrami. All that was necessary was to refer to Section 8 and say that the vacancy caused in the office of the presiding officer of the Tribunal has been filled by the appointment of Shri K. R. Powar. He reinforces this argument by further referring to the order of reference dated the same day that is 3-11-1967 which inter alia says that the Government of Goa, Daman and Diu is pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted under the Government Notification No. LC/1/IT/(IT)/63-67/2673. He contended that this makes it clear that what the State Government intended to do by the notification No. LC/1/IT/(IT)/63-67/2673 was to constitute a new tribunal. Before proceeding further it will be interesting to refer to the order of appointment of Shri V. A. Naik. The Notification is dated 27th March 1969 and it bears the Number LC/1/IT(3)/69/327. The notification begins by saying that the Lieutenant Governor of Goa, Daman and Diu has accepted the resignation tendered by Shri K. R. Powar presiding officer of the industrial Tribunal of Goa, Daman and Diu with immediate effect. It proceeds to say that in exercise of the powers conferred by Section 7A read with Section 8 of the Industrial Disputes Act, the Lieutenant Governor is pleased to appoint Shri V. A. Naik, as the presiding Officer of the Industrial Tribunal Goa, Daman and Diu, at Panaji, constituted under the Government Notification No. LC/1/68 dated 30th October 1963 in the vacancy caused by the resignation of Shri K. R. Powar. Shri Sowani contended that this makes it clear that Shri V. A. Naik, the present presiding officer was appointed as the presiding Officer of the Tribunal constituted in 1963. In other words argued Shri Sowani, Shri Naik is not the successor of Shri K. R. Powar. He is the successor in office of the Tribunal presided over by Shri Sayed Taki Bilgrami. The reference was made to the Tribunal of Shri K. R. Powar constituted by the Notification dated 3-11-1967. Shri Naik therefore is not competent to proceed to adjudicate upon the dispute between the parties in this case.

7. The argument advanced by Shri Sowani is based on an omission of 5.8 in the Notification No. LC/1/IT/(IT)/63-67/2673 by which Shri K. P. Power was appointed to fill the vacancy caused by the resignation of Shri Sayed Taki Bilgrami. The following words are used in the order of reference bearing the same date: «The Industrial Tribunal constituted under Govt. Notification No. LC/1/IT/(IT)/63-67/2673 dated 3-11-1967». It is therefore necessary to see whether there is any foundation for the argument that by the notification dated 4-11-1967 No. LC/1/IT/(IT)/63-67/2673 a fresh Tribunal was created and whether Shri K. R. Powar was appointed as the presiding officer of this newly created Tribunal. The whole argument is based on the reference made to section 7A and non reference to Section 8 of the Industrial Disputes Act. Merely because section 7A has been referred to it does not follow that Government purported to create a new Tribunal. Section 7A relates to the constitution of the Tribunal. That section therefore does not directly come into the picture while filling a vacancy caused by the resignation of the presiding officer. The section which provides for the procedure of filling a vacancy is Section 8. Unfortunately Section 8 has not been mentioned at all in the above notification. At the same time it is clear that the substance of the contents of Section 8 have been incorporated in the above notification. The words «to appoint Shri K. R. Power in the vacancy caused by the resignation» are extremely significant. Section 8 speaks of a vacancy occurring in the office of the presiding officer of a Tribunal and the filling of that vacancy. Section 7A has nothing to do with the filling in of a vacancy. There can therefore be no doubt that Shri K. R. Powar, was being appointed in the vacancy caused by the resignation of Shri Sayed Taki Bilgrami. This could only be done under Section 8. Since the substance of Section 8 has been incorporated in the notification the non-mention of that section is not fatal to the validity of the appointment of Shri K. R. Powar. Shri Sowani has jumped to the conclusion that Government intended to constitute a fresh Tribunal

because reference to Section 8 has not been made while a reference to Section 7A has been specifically made. At the same time the following words are significant «to appoint Shri K. R. Powar as the Presiding Officer of the Industrial Tribunal at Panaji» that shows that the Government did not purport to create a fresh Tribunal but what Shri Powar was being appointed as the Presiding Officer of the Industrial Tribunal which was already in existence at Panaji. It is true that no reference has been made to the notification of 1963 constituting the Tribunal at Panaji but the fact of the constitution of the Tribunal in 1963 is indisputable. It is nobody's case that any other Tribunal was constituted at Panaji at any other time or by any other notification. The reference therefore to the Industrial Tribunal at Panaji could only mean the Tribunal created by the 1963 notification to which Shri Sayed Taki Bilgrami was appointed as the first presiding officer. The impugned notification itself proceeds to say «In the vacancy caused by the resignation of Shri Sayed Taki Bilgrami». It is common ground that Shri S. T. Bilgrami was appointed as the Presiding Officer of the Tribunal created by the 1963 notification and the reference to the vacancy having been caused by the resignation of Shri Sayed Taki Bilgrami makes it clear that Powar was being appointed to the same Tribunal which was at one time presided over by Shri S. T. Bilgrami. It is true that the order of reference of the same day speaks of the industrial Tribunal constituted under Government Notification LC/1/IT/(IT)/63-67/2673 dated 3-11-1967. This notification as we have seen above refers to the appointment of Shri K. R. Powar to the Industrial Tribunal at Panaji in the vacancy caused by Shri S. T. Bilgrami. The notification of 3-11-1967 did not constitute a fresh tribunal at all. It merely appointed Shri K. R. Powar to fill the vacancy of Shri S. T. Bilgrami. The word «constituted» in the order of reference is obviously a mistake since no tribunal was constituted by the notification of 1967. As stated above the use of the word «constituted» in the order of the reference is of no significance nor does it invalidate the order of reference to Shri K. R. Powar. The order of reference of a dispute and the order constituting a Tribunal or the order filling in the vacancy are distinct and independent. One has nothing to do with the other. A wrong reference in the order of reference to the constitution of the Tribunal neither invalidates the reference nor does it really constitute a Tribunal by itself.

8. Shri Sowani conceded that the notification dated 27th March 1969, appointing Shri V. A. Naik, in the vacancy caused by the resignation of Shri Powar is correctly worded and validly passed. It refers to both sections namely Section 7A and Section 8. It speaks of the vacancy having been created by the resignation tendered by Shri Powar. It further speaks of the appointment of Shri V. A. Naik, as the presiding officer of the Tribunal constituted under the notification of 1963. What Shri Sowani contends is that since the order of reference of the dispute to Shri Powar is invalid the reference which has now been transferred to Shri V. A. Naik is also invalid. I have already held that the appointment of Shri K. R. Powar was in the vacancy of Shri S. T. Bilgrami who was the Presiding Officer of the Tribunal created by the notification of 1963. In the order of reference of the present dispute to Shri K. R. Powar the reference to the constitution of the Tribunal under the notification of 3rd November 1967 is clearly a mistake. At the same time Shri K. R. Powar was appointed under the notification which has been wrongly referred as the notification constituting an industrial Tribunal. The reference of the dispute by the order dated 3-11-1967 is perfectly in order and that being the case the reference to Shri V. A. Naik is equally valid and cannot be impugned.

9. Shri Sowani relied upon certain observations made by the Supreme Court in the State of Bombay and Krishnan, 1960 I.L.L.J. p. 592. In that case the Supreme Court held that the power of making a reference is vested in the Government under the provision of Section 10 and there is no separate power given to the Government under Section 12(5) of the Industrial Disputes Act. The High Court had taken the view that in cases where the dispute has been admitted in conciliation and the conciliation officer has submitted a failure report, Section 12(5) confers a distinct power on the Government to make a reference. The Supreme Court negated this view and pointed out that the fountain from which the power of making a reference flows is Section 10 and under that section Government have the discretion as to whether a reference should or should not be made notwithstanding that the Conciliator has submitted his report recommending a reference. Under section 12(5) the Government has to see whether a prima

facie case has been made out for making a reference. If it is satisfied that there is a prima facie case for making a reference then they will fall back upon the power vested in them under Section 10. Shri Sowani contended that this shows that if the reference purports to have been made under Section 12(5) without any reference to Section 10 then the order of reference would be invalid. That was not the position in the State of Bombay's case nor was the Supreme Court called upon to decide that question. As a matter of fact on receipt of the failure report from the conciliator under Section 12(4) the Government refused to refer the dispute as regards bonus to the Tribunal on the ground that the workmen had resorted to go-slow tactics which according to Government disintitiled the workmen from claiming bonus. A single Judge of the High Court held that the reasons given by the Government for refusing to refer the dispute were not germane to the matter in issue and were really extraneous, Government was therefore not justified in refusing a reference on such extraneous grounds. This view was substantially upheld by the Division Bench in the appeal preferred from the Judgment of the single Judge. While dismissing the appeal the learned Judges had made an observation to the effect that there is a separate power under Section 12(5) vested in Government for making a reference on receipt of the report from the conciliator. I am prepared to concede for the moment that Shri Sowani's argument that if the reference purports to have been made under Section 12(5) without reference to Section 10 the order of reference is invalid. I am however unable to understand how this argument helps Shri Sowani in the argument he is seeking to advance in this case. Section 10 is the principal section from which power of reference flows. If therefore no reference is made to the section containing the fountain head from which the power proceeds then the order of reference may not be valid. Shri Sowani contended that the relationship between Sections 7A and 8 inter-se is analogous to the relationship between Section 10 and Section 12(5) and just as a non-reference to Section 10 in the order of reference and reference to Section 12(5) will render the order of reference invalid in the same way reference to Section 7A without reference to Section 8 is equally invalid. This argument does not impress me at all. Section 7A is the principal section. It is the section which gives power to the Government of constituting a Tribunal. Section 8 is incidental to Section 7A in the sense that it deals with the mode of filling in a vacancy. Absence of reference to Section 7A may be fatal to the validity of the order but non-mention of Section 8 stands on a different footing. As pointed out earlier the order of 1967 appointing Shri K. R. Powar, to the Tribunal was an order made for filling the vacancy caused by the retirement of Shri S. T. Bilgrami. Although there was no specific reference to Section 8 the contents of that section have been incorporated in the body of the order. Admittedly there was a vacancy created by the resignation of Shri S. T. Bilgrami. On the face of it Shri Powar was appointed to fill in that vacancy. The only lacuna in the order is that it does not make a reference to Section 8. Ordinarily the order appointing Shri Powar to fill the vacancy should have been made by referred to Section 7A as well as Section 8. Section 7A has been referred to. Section 8 is not referred but its contents have been stated in the order itself. There is therefore no substance in the argument advanced by Shri Sowani and the analogy he has sought to invoke from the observations made by the Supreme Court in the State of Bombay's case is not valid.

10. Incidentally it may be mentioned that this question has been raised for the first time in the statement submitted to the Tribunal on 20th April 1969. As a matter of fact this Tribunal held its session at Panaji on 16-4-1969 and the present reference was taken up for hearing on that date. Shri Mohan Nair the General Secretary of the Goa Dock Labour Union was present and he advanced some arguments before this Tribunal. At that time the jurisdiction of the Tribunal was not challenged. The present contention is a belated awakening of the intelligence of the Union with a view to take advantage of the wording of the two notifications dated 3-11-1967.

11. The second contention raised by Shri Sowani was that the reference dated 3-11-1967 is bad for uncertainty. He contended that it is not possible to make out from the face of the order of reference as to whether the reference was being made by the Administrator of Goa, Daman and Diu as the constitutional head of the Goa Govt. or as the representative of the Union Govt. He pointed out that the appropriate Government so far as major ports are concerned is the Central

Government. Under the first term of reference one of the questions for consideration would be whether the workers are Dock Workers working at Marmagao which is a major port within the meaning of that expression in Sec. 3(8) of the Indian Ports Act 1908. Under Sec. 3(8) a major port has been defined to mean a port which the Central Government declares by notification to be a major port. Item 27 of the First Legislative List under Schedule VII runs thus:

"Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of port authorities therein".

That shows that the power to legislate in respect of major ports is vested in Parliament. Item 13 of the Second List in Schedule VII runs thus:

"Ports other than those declared by or under law made by Parliament or existing law to be major ports".

In other words the power of legislation relating to ports other than major ports is vested in the State Government. Marmagao Port has been declared to be a major port. At this stage it will be useful to refer to two important provisions in the constitution of India relating to Union Territories Art. 239 and 239A. Art. 239 and 239A appear in Part VIII which is headed «The Union Territories». Art. 239(1) provides:

"Save as otherwise provided by Parliament by law, every union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify".

Art. 239(A) which was inserted by the Constitution (Fourteenth Amendment) Act 1962 runs thus:

"Parliament may by law create for any of the union territories of ... Goa, Daman and Diu ...

- (a) a body, whether nominated or elected or partly nominated and partly elected, to function as a Legislature for the Union Territory, or
- (b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law".

The legislative powers in regard to Union territories have been detailed in Art. 246(4) of the Constitution. In effect it provides that Parliament has power to make law with regard to any matter enumerated in List No. II to the Seventh Schedule so far as Union territories are concerned. The Govt. of Union Territories Act, 1963 was passed in pursuance of Art. 239A. The Act was made mainly to provide for legislative assemblies and council of ministers for certain Union territories. The Act makes detailed provisions relating to legislative assemblies (Part II), delimitation of constituencies (Part III) and Council of Ministers (Part IV). Art. 239 provides that every Union territory shall be administered by the President acting through an administrator. By Sec. 6 of the Government of Union Territories Act, 1963 the administrator has been assimilated to the position of a governor in a State. He has the power to summon the legislative assembly. The Administrator of Goa, Daman and Diu is called the Lieutenant Governor of Goa, Daman and Diu. Sec. 46(1) empowers the President to make rules (a) for the allocation of business to the Ministers and (b) for the more convenient transaction of business with the Ministers including the procedure to be adopted in the case of difference of opinion between the Administrator and the Council of Ministers. Sub-Sec. (2) of Sec. 46 is very important and it runs thus:

"Save as otherwise provided in this Act, all executive action of the Administrator, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the Administrator".

Similarly sub-sec. (3) of the same section provides:

"Orders and other instruments made and executed in the name of the Administrator, shall be authenticated in such manner as may be specified in rules to be made by the Administrator, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Administrator".

Rules have been framed by the President under Art. 239 of the Constitution and Sec. 46 of the Govt. of Union Terri-

tories Act, 1963 known as the Business of the Government of Goa, Daman and Diu (Allocation) Rules 1963 (vide Government Gazette, Supplement, Series I No. 50 dated 20th Dec. 1963 page 434). Rule 3 relates to allocation of subjects to departments etc. The Goa, Daman and Diu (Laws) No. 2, Regulation No. II of 1963 promulgated by the President defines the Lieutenant Governor to mean the Administrator of Goa, Daman and Diu. In pursuance of Sec. 46(3) the Administrator of Goa, Daman and Diu has made rules for the authentication of orders and instruments. Rule 2 provides:

"Orders and other instruments made and executed in the name of the Administrator shall be authenticated by the signature of the Chief Secretary, a Secretary, a Deputy Secretary or an Under Secretary in any of the departments of the Government, or by the Secretary to the Administrator".

It will thus be seen that whether the orders have been passed by the Administrator on the advice of the Ministers or otherwise that is to say whether the orders are made by the Administrator in the Central sphere or in the sphere of the Union territory they shall be expressed in the name of the administrator and they will also be authenticated in the same manner, that is by the signature of one of the secretaries mentioned in the notification dated 20th December, 1963 relating to the Authentication Rules. Now the order dated 3-11-1967 has been expressed in the name of the administrator and authenticated by the Secretary, Industrial and Labour Department: In the same way the order appointing Shri V. A. Naik, as presiding officer of the Industrial Tribunal of Goa, Daman and Diu is also expressed in the name of the administrator and authenticated by the Under Secretary, Industries and Labour Department. The order creating the Tribunal of Goa, Daman and Diu and appointing Shri Sayed Taki Bilgrami has been signed by the Lieutenant Governor himself. The order appointing Shri K. R. Powar in the vacancy of Shri S. T. Bilgrami has been signed by the Secretary, Industries and Labour Department. That means whether the industry is in the sphere of the Central Government or the sphere of the Union territory Government and whether the appropriate Government is the Central Government or the Union Territory Government orders will be issued in the name of the Administrator and would be authenticated by the signature of the Chief Secretary, or the Secretary, or Deputy Secretary or the Under Secretary or by the Secretary to the Administrator. It is not necessary to examine this question in great detail because the Court of the Judicial Commissioner of Goa, Daman and Diu has held in the case of the same parties viz: Goa Dock Labour Union and Government of Union Territory of Goa, Daman and Diu, (1968 II L.L.J.p.536) that the order of reference made in the name of the Administrator cannot be impugned on the ground that the industrial dispute falls within the sphere of the Central Government by reason of the fact that the dispute relates to a major port. At page 540 the learned Judicial Commissioner observes:

"The Administrator is the appropriate Government for the purpose of reference of the industrial dispute in this territory whether they fall in the Central or the States sphere. The President acts through the Administrator in the administration of this territory and the State Government in turn acts through the Administrator".

He has further observed that it is for the Tribunal to investigate the fact and see whether the dispute relates to a major port or no. Neither of the parties has gone in appeal against that judgment and so the decision is binding. In view of these observations the contentions raised by Shri Sowani namely that the order of reference is bad on the ground of undertainly has no legs to stand upon.

12. Shri Sowani argued that he is not in a position to know whether the Tribunal is acting in the State sphere or the Central sphere. The Tribunal must at its very inception according to Shri Sowani make its position clear namely whether it is acting in respect of a dispute relating to a major port or a minor port. In view of the decision of the Judicial Commissioner it is not necessary for the Tribunal to adopt any such position at its inception. After the investigation of the facts and after recording a finding one way or the other the Tribunal may pass appropriate orders. I am unable to understand how the Union is prejudiced by the fact that it is unable to know whether the industrial

dispute relates to the sphere of the Central Government or that of the Union territory Government. After all under the first term of reference what the Tribunal has to decide is whether the workmen are entitled to the benefits of Central Wage Board's Award for Port and Dock Workers. One of the grounds on which they would be entitled to the benefits of the Award would be that they are dock workers. The issue is therefore the same namely whether the Tribunal acts in the Central sphere or the States sphere.

13 Shri Sowani's contention that the question as to whether the workers are dock workers or whether they are entitled to the benefits of the award of the Central Wage Board is a question to be decided on evidence. Shri Phadke conceded to this position. The matter must therefore be set down for

recording evidence. I direct the parties to put in their affidavits on or before 12th November, 1969.

Sd/-

V. A. NAIK

Presiding Officer of the Industrial Tribunal, Goa, Daman and Diu.

Panaji, 4th October, 1969.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 15th November, 1969.

Notification

LC/4/FA-7(69)/69/1032

In exercise of the powers conferred by sub-section (1) of Section 65 read with the proviso to clause (b) of sub-section (i) of section 66 of the Factories Act, 1948 (63 of 1948), the Lieutenant Governor of Goa, Daman and Diu, is pleased to permit M/s. Goa Food Products Private Ltd., Margao, to employ women-workers in their factory between the hours of 5 a.m. to 10 p.m. for a period of 3 months from the date of issue of this Notification.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

V. R. Vaze, Under Secretary, Industries and Labour Department.

Panaji, 17th November, 1969.

Public Health Department

Order

A-9/69-DHS/6147

Subject: Appointment to class II posts in the Union Territory of Goa, Daman and Diu made in consultation with the U. P. S. C. Fixation of pay on initial appointment.

On the recommendation of the Union Public Service Commission Dr. Leslie Bernardo Saldanha is temporarily appointed to the post of Assistant Medical Officer in the Vaccine Institute in the Directorate of Health Services carrying the scale of pay of Rs. 325-25-500-30-590-EB-30-800. His initial pay in the scale is hereby fixed as shown below:

The Union Public Service Commission have recommended that the initial pay may be fixed under the rules. Taking into account the previous service rendered by Dr. Saldanha in the post during his appointment on adhoc basis, his initial pay is fixed at Rs. 400/- p. m. (Rupees four hundred only) from 30-6-69. The next increment will be admissible on 21-4-70.

The above pay fixation is made in exercise of the powers under F.R. 27 and is in accordance with the instructions contained in the Government of India, Ministry of Finance, Department of Expenditure office Memorandum no. F.2(46)-R.III(A)/60 (Pt. 17 of 1966) dated 7th February, 1968 as amended from time to time.

This issues with the concurrence of the Finance Department vide their U. O. Fin(E)/4549/69, dated 10-11-1969.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary (Health).

Panaji, 15th November, 1969.

Order

ILD/HS/1756/64,

In continuation of the Government Notification No. ILD/HS/4085/64 dated 17-12-1965, Government is pleased to

Despacho

LC/4/FA-7(69)/69/1032

No uso das faculdades conferidas pela alínea (1) do artigo 65.º conjugado com a cláusula (b) da alínea (i) do artigo 66.º do «Factories Act, 1948 (63 of 1948)», o Governador-tenente de Goa, Damão e Diu, autoriza a firma «Goa Food Products Private Ltd.» de Margão, a empregar operários de sexo feminino na sua fábrica, entre às 5 horas de manhã até às 10 de noite, por período de 3 meses, a partir da data deste despacho.

Por ordem e em nome do Governador-tenente de Goa, Damão e Diu.

V. R. Vaze, Subsecretário do Departamento de Indústrias e Trabalho.

Panaji, 17 de Novembro de 1969.

Departamento de Saúde Pública

Portaria

A-9/69-DHS/6147

Assunto: Nomeação para lugares de 2.ª classe, no território da União de Goa, Damão e Diu, feita de consulta com a Comissão de Serviço Público da União. Fixação do vencimento na altura da nomeação inicial.

Sob a recomendação da Comissão de Serviço Público da União, o Dr. Leslie Bernardo Saldanha, é nomeado, temporariamente, «Assistant Medical Officer», do Instituto de Vacina da Direcção dos Serviços de Saúde, na escala de vencimento de Rps. 325-25-500-30-590-EB-30-800. O seu vencimento inicial é fixado como a seguir se indica:

A Comissão de Serviço Público da União, recomendou que o vencimento inicial fosse fixado de acordo com as normas, Tomando em consideração o serviço anterior prestado pelo Dr. Saldanha, durante a sua nomeação no lugar, o seu vencimento inicial é fixado em Rps. 400/- (Rupias quatrocentas) por mês, a partir de 30 de Junho de 1969. O próximo aumento será admissível em 21 de Abril de 1970.

A fixação acima referida é feita no uso das faculdades conferidas por F.R. 27 e está de acordo com as instruções contidas no memorando do Departamento de Despesas do Ministério das Finanças do Governo da Índia, n.º F.2(46)-R.III(A)/60 (Pt. 17 of 1966), de 7 de Fevereiro de 1968, com as alterações que sofrer periodicamente.

A presente portaria é expedida com a aprovação do Departamento das Finanças, dada por nota n.º Fin(E)/4549/69, de 10 de Novembro de 1969.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

V. R. Vaze, Subsecretário (Saúde).

Panaji, 15 de Novembro de 1969.

Portaria

ILD/HS/1756/64,

Em continuação do despacho n.º ILD/HS/4085/64, de 17 de Dezembro de 1965, o Governo declara, que os funcionários

direct that Government servants and members of their families whose income is less than 300/- p. m. will be allowed free medical treatment including free diet in Government Hospitals and Dispensaries.

This issues with the approval of Government of India, Ministry of Health, Family Planning, New Delhi conveyed vide their letter No. F. 19/6/68-H dated 12-9-69.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary (Health).

Panaji, 22nd November, 1969.

Order

A-2/69-DHS/6149

Subject: — Appointment to Class II posts in the Union Territory of Goa, Daman and Diu made in consultation with the U.P.S.C. Fixation of pay on initial appointment.

On the recommendation of the Union Public Service Commission Dr. (Smt.) Maria Cleto Lobo is temporarily appointed to the post of Asstt. Medical Officer in the Mental Hospital under the Directorate of Health Services carrying the scale of Rs. 325-25-500-30-590-EB-30-800. Her initial pay in the scale is hereby fixed as shown below: —

The Union Public Service Commission have recommended that the initial pay may be fixed under the rules. Taking into account the previous service rendered by Dr. (Smt.) Lobo in the post during her appointment on adhoc basis, her initial pay is fixed at Rs. 400/- (Rupees four hundred only) p. m. from 30-6-69. The next increment will be admissible on 8-2-70.

The above pay fixation is made in exercise of the power under F. R. 27 and is in accordance with the instructions containing in the Govt. of India, Ministry of Finance, Department of Expenditure, Office Memorandum No. F. (46)-E.III (A)/60 (Pt. II of 1966) dated 7th February, 1968 as amended from time to time.

This issues with the concurrence of Finance Department vide their u. o. No. Fin(E)/6278/69, dated 23-10-69.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary (Health).

Panaji, 22nd November, 1969.

Order

V/9/68-GMC/5076

Read: 1) Government order no. V-9/68-GMC/5076, dated 22-7-1968.

2) Union Public Service Commission's letter no. F.4/24(37)/68-A.I. dated 20-9-69.

The appointments of Dr. Jacinto dos Milagres Estibeiro and Dr. Robert Dias have been ratified by the Union Public Service Commission as Health Officers in the Scale of Rs. 400-950 in the Directorate of Health Services with effect from 20th September, 1969.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary (Health).

Panaji, 25th November, 1969.

do Governo e suas famílias, cujo rendimento é inferior a Rps. 300/- por mês, será dado tratamento médico gratuito, incluindo dieta, nos hospitais e dispensários do Governo.

A presente portaria é expedida com a aprovação do Governo da Índia, Ministério de Saúde, Planificação de Família, Nova-Delhi, comunicada por nota n.º F. 19/6/68-H, de 12 de Setembro de 1969.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

V. R. Vaze, Subsecretário (Saúde).

Panaji, 22 de Novembro de 1969.

Portaria

A-2/69-DHS/6149

Assunto: — Nomeação para os lugares de 2.ª classe, no território de União de Goa, Damão e Diu, feita de consulta com a Comissão de Serviço Público da União. Fixação de vencimento na altura da nomeação inicial.

Sob a recomendação da Comissão de Serviço Público da União, a Dr.ª Maria Cleto Lobo, é nomeada, temporariamente, «Assistant Medical Officer» do Hospital Mental, sob a Direcção dos Serviços de Saúde, na escala de vencimento de Rps. 325-25-500-30-590-EB-30-800. O seu vencimento inicial na escala é fixado como a seguir se indica: —

A Comissão de Serviço Público da União, recomendou que o seu vencimento inicial fosse fixado de acordo com as normas. Tomando em consideração o serviço anterior prestado pela Dr.ª Lobo, durante a sua nomeação provisória no lugar, o seu vencimento inicial é fixado em Rps. 400/- (quatrocentas rupias) por mês, a partir de 30 de Junho de 1969. O próximo aumento será admissível em 8 de Fevereiro de 1970.

A fixação acima referida é feita no uso das faculdades conferidas, por F. R. 27 e está de acordo com as instruções contidas no memo do Departamento de Despesas do Ministério das Finanças do Governo da Índia, n.º F. (46)/E.III(A)/60 (Pt. II of 1966) de 7 de Fevereiro de 1968, com as alterações que sofrer periodicamente.

A presente portaria é expedida com a aprovação do Departamento das Finanças, dada por nota n.º Fin(E)/6278/69, de 23 de Outubro de 1969.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

V. R. Vaze, Subsecretário (Saúde).

Panaji, 22 de Novembro de 1969.

Portaria

V/9/68-GMC/5076

Ref.: 1) Portaria n.º V-9/68-GMC/5076, de 22 de Julho de 1968.

2) Nota da Comissão de Serviço Público da União n.º F.4/24(37)/68-A.I. de 20 de Setembro de 1969.

Foram confirmadas as nomeações do Dr. Jacinto dos Milagres Estibeiro e do Dr. Robert Dias, pela Comissão de Serviço Público da União, como «Health Officers», na escala de Rps. 400-950, da Direcção dos Serviços de Saúde, com efeito a partir de 20 de Setembro de 1969.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

V. R. Vaze, Subsecretário (Saúde).

Panaji, 25 de Novembro de 1969.